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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,158	12/11/2001	Dale Ray	CE04833N	6121
23330	7590	06/06/2006	EXAMINER	
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			AHMED, SALMAN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/015,158	RAY, DALE	
	Examiner	Art Unit	
	Salman Ahmed	2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

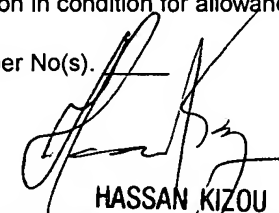
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: 7, 14, 23 and 31.
 Claim(s) rejected: 1, 2, 4-6, 8, 9, 11-13, 15-18, 20-22, 24-26, 28-30, 32 and 33.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments see pages 10-15 of the Remarks section, filed 5/25/2006, with respect to the rejections to claims 1,2,4-6,8,9,11-13,15-18,20-22,24-26,28-30,32 and 33 have been fully considered but they are not persuasive.

Applicant argues that (page 12, paragraph 4 and 5) there is no motivation to one skilled in the art of synchronous plesiochronous link to use completely different asynchronous Ethernet link as alleged by the Examiner. There can be no motivation to combine since Schober teaches the use of plesiochronous link, and Silverman teaches asynchronous Ethernet links.

However Examiner respectfully disagrees with this assertion. Although Schober does not explicitly teach the link parameter related to links between two routers/nodes being associated with an Ethernet link, Silverman in the same field of endeavor teaches connectivity between the base stations (BTSS), base station controllers (BSCs) being Gigabit Ethernet (column 14 lines 55-64). It is also well known in the art to have Ethernet channel carried over a synchronous digital hierarchy ITU-T recommendation G.701 type network between two nodes. The motivation to combine is that (as taught by Silverman, column 14 lines 13-15 and 55-64) when a wireless, laser or optical alternative becomes available then the CLEC can easily take advantage of the fact that IP works with any link layer protocol, including Ethernet and SONET. With the introduction of QoS in Gigabit Ethernet networks and the availability of TDMoIP, IP is very seriously considered as the preferred solution. As such Silverman's invention can be incorporated to Schober's network to achieve maximum efficiency. Further in response to Applicant's argument, Examiner respectfully points out plesiochronous describes operations that are almost, but not quite, in synchronization - in other words, almost synchronous. So plesiochronous is not a pure synchronous system. The motivation to combine is not based on a system being plesiochronous or asynchronous, but rather what are the different ways suggested by references that could connect two nodes/routers to implement reset mechanism. As such Schober's invention can be implemented using Silverman's teaching and vice versa. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art at the time the invention was made. See *In re Keller* 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant argues that (page 13 last paragraph and page 14 first paragraph) Grilli does not teach or suggest a communication link a base station and base station controller where the base station include a reset element being operable to monitor a link parameter associated with the communication link via the physical layer element and wherein the link parameter is associated with an Ethernet link and the reset element being operable to restore the base station to an initial state in response to a trigger event so that the base station controller is operable to reestablish communication with the base station. However, Examiner respectfully points out that Schober in view of Silverman, in view of Grilli teaches the above limitations as cited in the previous office action.

Examiner respectfully disagrees with the Applicant's assertion (See page 14 second paragraph) that the teachings of Silverman or Kondylis do not make up for the deficiencies of Schober and Grilli for reasons cited above.

Examiner respectfully disagrees with the Applicant's assertion (See page 14 fourth paragraph) that teaching of Schober cannot properly be combined with Silverman or Grille for the reasons cited above.